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107 CV 8872

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OFF-WHITE LLC,
Plaintiff

v.

^ ^WARM HOUSE^ ^ STORE,
APPAREL_JSG, BAJIN WEBBING EXPERT
ONLINE STORE, BAPESUP, BEIMU,
BJZHDY, BLUEBERRY12 a/k/a YABSERA,
BOOST550, CHEN6, CINDA01, QUI SHI CO.,
LTD. d/b/a COOOLMAN, SUPREM, DELIRE,
QINGDAO BLACK PEARL INTERNATIONAL
TRADE COMPANY d/b/a DIANA110923, DKN
STORE, DONGGUAN CITY HOTSELL
GARMENT CO., LTD., DONGGUAN CITY,
HUI LIN APPAREL CO., LTD., DONGGUAN
CITY HUMEN HONGSHA GARMENT
FACTORY, IHONSA FASHION(HK)
CO.,LTD.(FACTORY, DONGGUAN KAFANY
APPAREL CO., LTD., DONGGUAN MANXUN
CLOTHING CORPORATION LTD.,
DONGGUAN TOMORROW FASHION CO.,
LIMITED, DONGGUAN XINYU APPAREL
CO., LTD, DQCLOTHES, MAMMOTH a/k/a
EASTPAK, ESLITE HYUN 007 STORE,
FANCY199510, FASHIONCASUAL, SHOP

CIVIL ACTION No.

[REDACTED] 1) TEMPORARY
RESTRANDING ORDER; 2)
ORDER TO SHOW CAUSE WHY
A PRELIMINARY INJUNCTION
SHOULD NOT ISSUE; 3) ASSET
RESTRANDING ORDER; 4)
ORDER AUTHORIZING
ALTERNATIVE SERVICE BY
ELECTRONIC MEANS AND 5)
ORDER AUTHORIZING
EXPEDITED DISCOVERY

FILED UNDER SEAL

SHOP2836075 STORE F/K/A FLOERSA
 OFFICIAL STORE,
 GUANGZHOUTRADECOMPANY D/B/A
 FOOTBALLSHIRT, FULLSCORE,
 GANGCHEN168, GOODLUCKOK2018,
 GUANGZHOU SEABOOK GIFTS &
 STATIONERY LTD, HDQUPING, HEWEI E68
 STORE, HLQ1025, HOGNYENI, HOS666
 STORE, HSTBAG, HU2861364198, HUIHUI111,
 JANE0509, JESSIE_XING, JIUYANG168,
 JUTIE, FASHION HIP HOP CLOTHING CO.,
 LTD. D/B/A LANTIANBAIYUN1979WEN,
 LEONSUN5238, LGQ369396198,
 LIMERENCE77, LIZHUN TRADING CO., LTD
 STORE, LYNE_STORE, MAXCAN STORE,
 MEGAGOODS, MICKY MOUSE ACCESSORY
 HOUSE STORE, NANCHANG GUANQIU
 CLOTHING CO., LTD., NANCHANG
 HOLLYWIN, CLOTHING CO., LTD.,
 NANCHANG KINGSHINE GARMENT
 LIMITED, NANJING KUAIYUE
 COMMERCIAL CO., LTD., OLDRIVER,
 PARADISE12, RTATD STORE,
 SELLWELL10086, SEX-LADY /FASHION
 ITEM AND PATRY ITEM WHOLESALE,
 SHANGHAI YOU HAO INDUSTRIAL CO.,
 LTD / YOUHAO KAIDE
 TEXTILE(KUNSHAN) CO., LTD., SHENZHEN
 JUNHO HEADWEAR & APPAREL CO., LTD.,
 SHISHI TIANHE GARMENTS CO., LTD.,
 SHOE80000, SHOES_KITS, SHOP2809091
 STORE, SHOPHAIR, SINGLEDOGS, SKY1995,
 SPORTSTUDIO SPRING10010, STARSMOON
 STORE, STERBAKOV 1991 STORE,
 TRENDYSELLER STORE, TRIASIADEE
 OFFICIAL STORE, VIIIICOLORS STORE,
 WANGCHUNLING2, WHOLESALE_JERSEYS,
 WOMENAPPAREL, WULONGCUN, WZYAA,
 XIAMEN BELBELLO STORE,
 XINGSHENG169, XQ7700 STORE, YEJUHUA,
 YIWU CASTRO BAG CO., LTD., YIWU
 HODEANG E-COMMERCE CO., LTD., YIWU
 SUNSHINE TRADE CO., LTD., YIWU
 ZHANNA TRADING CO., LTD., YUKSYNE
 BAG STORE, ZHEJIANG WORLD
 COMMERCE AND MANAGES

DEVELOPMENT CO., LTD., ZHOURUNDI520,
Defendants

On this day, the Court considered Plaintiff's *ex parte* application for the following: 1) a temporary restraining order; 2) an order to show cause why a preliminary injunction should not issue; 3) an asset restraining order; 4) an order authorizing alternative service by electronic mail and 5) an order authorizing expedited discovery against Defendants ^__^Warm House^__^ Store, Apparel_jsg, Bajin Webbing Expert online Store, bapesup, Beimu, bjzhdmy, Blueberry12 a/k/a Yabsara, Boost550, Chen6, Cinda01, Qui Shi Co., Ltd. d/b/a cooolman, Suprem, delire, Qingdao Black Pearl International Trade Company d/b/a Dianal10923, DKN Store, Dongguan City HotSell Garment Co., Ltd, Dongguan City Hui Lin Apparel Co., Ltd., Dongguan City Humen Hongsha Garment Factory, Dongguan Kafany Apparel Co., Ltd., Dongguan Manxun Clothing Corporation Ltd., Dongguan Tomorrow Fashion Co., Limited, Dongguan Xinyu Apparel Co., Ltd, Dqclothes, Mammoth a/k/a Eastpak, ESLITE HYUN 007 Store, Fancy199510, fashioncasual, Shop Shop2836075 Store f/k/a FLOERSA Official Store, GuangZhoutradecompany d/b/a footballshirt, fullscore, gangchen168, goodluckok2018, Guangzhou Seabook Gifts & Stationery Ltd, hdquping, HEWEI E68 Store, hlq1025, hognyeni, HOS666 Store, Hstbag, Hu2861364198, huihui111, Jane0509, jessie_xing, jiuyang168, Jutie, lantianbaiyun1979wen, Leonsun5238, Lgq369396198, limerence77, Lizhun Trading CO.,LTD Store, Lyne_store, Maxcan Store, megagoods, MICKY MOUSE ACCESSORY HOUSE Store, Nanchang Guanqiu Clothing Co., Ltd., Nanchang Hollywin Clothing Co., Ltd., Nanchang Kingshine Garment Limited, Nanjing KuaiYue Commercial Co., Ltd., oldriver, Paradise12, RTATD Store, sellwell10086, Fashion Item And Patry Item Wholesale, Shanghai You Hao Industrial Co., Ltd., Shenzhen Junho Headwear & Apparel Co., Ltd., Shishi Tianhe Garments Co., Ltd., shoe80000, Shoes_kits, Shop2809091 Store, shophair, Singledogs, Hong Kong

Overseas International E-commerce Co., Ltd. d/b/a Sky1995, Sportstudio, spring10010, STARSMOON Store, sterbakov 1991 Store, Trendyseller Store, TRIASIADEE Official Store, Viiii Colors Store, wangchunling2, wholesale_jerseys, womenapparel, Wulongcun, Wzyaa, Xiamen Belbello Store, xingsheng169, XQ7700 Store, yejuhua, Yiwu Castro Bag Co., Ltd., Yiwu Hodeang E-Commerce Co., Ltd., Yiwu Sunshine Trade Co., Ltd., Yiwu Zhanna Trading Co., Ltd., Yuksyne Bag Store, Zhejiang World Commerce And Manages Development Co., Ltd. and zhourundi520 (hereinafter collectively referred to as “Defendants” or individually as “Defendant”) in light of Defendants’ intentional and willful offerings for sale and/or sales of Infringing Products (as defined *infra*) (“Application”). A complete list of Defendants and their known contact information and associated Financial Institutions (as defined *infra*) and known account information is attached hereto as **Schedule A**. Having reviewed the Application, the Declarations of Jessica Arnaiz, Virgil Abloh and Mary Kate Brennan along with exhibits attached thereto and other evidence submitted in support thereof, the Court makes the following findings of fact and conclusions of law:

FACTUAL FINDINGS & CONCLUSIONS OF LAW

1. Off-White, launched in or about 2013, is the owner of a young, successful and high-end lifestyle streetwear line of men’s and women’s apparel, as well as accessories, jewelry, furniture and other ready made goods (collectively, “Off-White Products”) all of which are manufactured in Milan and distributed through various channels of trade in the United States and abroad.

2. The Off-White Products are marketed under the trademarks Off-White™ and Off-White c/o Virgil Abloh™ (“Off-White Brand”). In particular, the Off-White Brand has been recognized for its distinctive graphic and logo-heavy apparel designs, and specifically, a unique design mark comprised of alternating parallel diagonal lines (“Off-White Diagonal Design”).

Since at least as early as 2013, the Off-White Diagonal Design has been, and currently still is, applied to the Off-White Products themselves (“Off-White Trade Dress”), and to tags, labels, containers, packaging and displays for the Off-White Products (“Off-White Trademark”) (collectively, the Off-White Trade Dress and Off-White Trademark are referred to as “Off-White Diagonal Mark(s)”).

3. Off-White owns U.S. Trademark Registration Number 5,150,712 for a variety of



products in Class 18 and Class 25 (Off-White Diagonal Mark Registration”). Off-White also applied for registration of the word mark “Off White C/O Virgil Abloh” for a variety of products in Class 25, which is covered by U.S. Trademark Serial Application No. 85911895, with a constructive date of first use of March 25, 2013 (the “Off-White C/O Virgil Abloh Word Mark Application”) (hereinafter, the Off-White Brand, Off-White Diagonal Mark(s), Off-White Diagonal Mark Registration and Off-White C/O Virgil Abloh Word Mark Application are collectively referred to as the “Off-White Marks”). The Off-White Marks have been in use in commerce in connection with the Off-White Products continuously since their constructive dates of first use and are currently in use in commerce in connection with the Off-White Products;

4. Defendants are manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or selling infringing and/or counterfeit products bearing and/or using the Off-White Marks and/or marks that are confusingly similar to, identical to and constitute a counterfeiting and/or infringement of the Off-White Marks (“Counterfeit Products” or “Infringing Products”) through accounts with the Digital Marketplaces (as defined *infra*) held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them

(“User Accounts”) on the Alibaba.com, AliExpress.com and DHGate.com online marketplace platforms (“Digital Marketplaces”) (see **Schedule A** for links to Defendants’ Online Accounts (as defined *infra*) and listings for Counterfeit Products);

5. Defendants are not, nor have they ever been, authorized distributors or licensees of the Off-White Products. Neither Off-White nor any of Off-White’s authorized agents have consented to Defendants’ use of the Off-White Marks, nor has Off-White consented to Defendants’ use of any identical or confusingly similar marks or artwork;

6. Off-White is likely to prevail on its Lanham Act claims and related state law claims at trial;

7. As a result of Defendants’ infringements, Off-White, as well as consumers, are likely to suffer an immediate and irreparable loss, damage and injury before Defendants can be heard in opposition, unless Off-White’s Application for *ex parte* relief is granted:

- a. Defendants have offered for sale and sold substandard Infringing Products that infringe the Off-White Marks;
- b. Off-White has well-founded fears that more Infringing Products will appear in the marketplace; that consumers may be misled, confused and disappointed by the quality of these Infringing Products, resulting in the consequent injury to Off-White’s reputation and goodwill; and that Off-White may suffer loss of sales for its Off-White Products; and
- c. Off-White has well-founded fears that if it proceeds on notice to Defendants on this Application, Defendants will: (i) secret, conceal, destroy, alter, sell-off, transfer or otherwise dispose of or deal with Infringing Products or other goods that infringe the Off-White Marks, the means of obtaining or manufacturing such Infringing

Products, and records relating thereto that are in their possession or under their control, (ii) inform their suppliers and others of Off-White's claims with the result being that those suppliers and others may also secret, conceal, sell-off or otherwise dispose of Infringing Products or other goods infringing the Off-White Marks, the means of obtaining or manufacturing such Infringing Products, and records relating thereto that are in their possession or under their control, (iii) secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from its sales of Infringing Products or other goods infringing the Off-White Marks and records relating thereto that are in their possession or under their control and/or iv) open new User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them manufacture, import, export, advertise, market, promote, distribute, offer for sale, sell and/or otherwise deal in products, including Infringing Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them including, without limitation, those owned and operated, directly or indirectly, by the Third Party Service Providers and the Financial Institutions ("Defendants' Online Accounts") on Digital Marketplaces under new or different names and continue to offer for sale and sell Infringing Products with little to no consequence;

8. The balance of potential harm to Defendants of being prevented from continuing to profit from their illegal and infringing activities if a temporary restraining order is issued is far outweighed by the potential harm to Off-White, its business, the goodwill and reputation built up

in and associated with the Off-White Marks Works and to its reputation if a temporary restraining order is not issued;

9. Public interest favors issuance of the temporary restraining order in order to protect Off-White's interests in and to its Off-White Marks, and to protect the public from being deceived and defrauded by Defendants' passing off of their substandard Infringing Products as Off-White Products;

10. Off-White has not publicized its request for a temporary restraining order in any way;

11. Service on Defendants via electronic means, including the delivery of copies of the Summons and Complaint, together with all documents filed in support of Off-White's Application by (i) e-mail or (ii) messaging through Defendants' Online Accounts and by publication of links to the same on a website accessible to Defendants, is reasonably calculated to result in proper notice to Defendants.

12. If Defendants are given notice of the Application, they are likely to secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from their sales of Infringing Products or other goods infringing the Off-White Marks. Therefore, Off-White has good cause to be granted an asset restraining order. It typically takes noticed Financial Institutions and/or online marketplace platforms, including, without limitation, those owned and operated, directly or indirectly, by Alibaba and DHgate, such as Alibaba.com, AliExpress.com and DHgate.com ("Third Party Service Providers") a minimum of five (5) days to locate, attach and freeze Defendants' Assets (as defined *infra*) and/or Defendants' Financial Accounts (as defined *infra*). As such, in its order, the Court should allow enough time for the Financial Institutions and/or

Third Party Service Providers to freeze Defendants' Assets and Financial Accounts before requiring service on Defendants.

13. Similarly, if Defendants are given notice of the Application, they are likely to destroy, move, hide or otherwise make inaccessible to Off-White the records and documents relating to Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or sale of Counterfeit Products. Therefore, Off-White has good cause to be granted expedited discovery.

ORDER

Based on the foregoing findings of fact and conclusions of law, Off-White's Application is hereby **GRANTED** as follows (the "Order"):

I. Temporary Restraining Order

A. IT IS HEREBY ORDERED, as sufficient cause has been shown, that Defendants, their respective officers, employees, agents, servants and attorneys, and all persons in active concert or participation with any of them (regardless of whether located in the U.S. or abroad), who receive actual notice of this Order, including, without limitation, any: (1) banks, financial institutions, credit card companies and payment processing agencies, such as PayPal Inc. ("PayPal"), Payoneer Inc., the Alibaba Group d/b/a Alibaba.com and Aliexpress.com ("Alibaba") and Dunhuang Group d/b/a DHgate.com ("DHgate") payment services (e.g., Alipay.com Co., Ltd., Ant Financial Services Group or DHpay.com), and other companies or agencies that engage in the processing or transfer of money and/or real or personal property of Defendants ("Financial Institutions") and (2) Digital Marketplaces, including, without limitation, those owned and operated, directly or indirectly, by Alibaba and DHgate, such as Alibaba.com, AliExpress.com and DHgate.com ("Third Party Service

Providers") (hereinafter collectively referred to as the "Restrained Persons"), are hereby restrained and enjoined from engaging in any of the following acts or omissions pending the hearing and determination of Off-White's Application for a preliminary injunction as referenced in **Paragraph (II)(A)** below, or until further order of the Court:

- 1) from manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in Infringing Products, or any other products bearing the Off-White Marks and/or marks that are confusingly similar to, identical to and constitute a counterfeiting or infringement of the Off-White Marks;
- 2) from communicating, directly or indirectly, with any person or persons: (i) from whom Defendants purchased or obtained any Infringing Products; (ii) to whom Defendants sold or offered to sell such Infringing Products or (iii) of whom Restrained Persons know, or reasonably believe, to possess, control or have access to any such Infringing Products;
- 3) from secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with: (i) Infringing Products and/or (ii) any computer files, data, business records, documents or any other records or evidence relating to the Defendants' Online Accounts, Defendants' Assets and the manufacture, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Infringing Products;
- 4) from secreting, concealing, transferring, disposing of, withdrawing, encumbering or paying any money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad) (hereinafter collectively referred to as

“Defendants’ Assets”) from or to accounts associated with or utilized by any Defendant or any Defendant’s Online Account(s) (whether said account is located in the U.S. or abroad) (“Defendants’ Financial Accounts”) until further ordered by this Court;

- 5) from effecting assignments or transfers, forming new entities or associations, or creating and/or utilizing any other platform, User Account or any other means of importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Infringing Products for the purpose of circumventing or otherwise avoiding the prohibitions set forth in this Order;
- 6) from, within five (5) days after receiving actual notice of this Order, providing services to Defendants and Defendants’ Online Accounts, including, without limitation, continued operation of Defendants’ Online Accounts; and
- 7) from knowingly instructing, aiding, or abetting any other person or business entity in engaging in any of the activities referred to in subparagraphs I(A)(1) through I(A)(6) above.

**II. Order to Show Cause Why A Preliminary Injunction
Should Not Issue And Order Of Notice**

✓ A. Defendants are hereby ORDERED to show cause before this Court in Courtroom ____ of the United States District Court for the Southern District of New York at 500 Pearl Street/40 Foley Square, New York, New York on November 29, 2017 at 10:30 
AM. or at such other time that this Court deems appropriate, why a preliminary injunction, pursuant to FRCP 65(a), should not issue restraining and enjoining the Restrained Persons from engaging in any of the following acts or omissions pending the final hearing and determination of this action:

- 1) from manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in Infringing Products, or any other products bearing the Off-White Marks and/or marks that are confusingly similar to, identical to and constitute a counterfeiting or infringement of the Off-White Marks;
- 2) from directly or indirectly infringing in any manner any of Off-White's trademarks or other rights (whether now in existence or hereafter created) including, without limitation, the Off-White Marks;
- 3) from using any reproduction, counterfeit, copy or colorable imitation of Off-White's trademarks or other rights (whether now in existence or hereafter created) including, without limitation, the Off-White' Marks to identify any goods or services not authorized by Off-White;
- 4) from using any of Off-White's trademarks or other rights (whether now in existence or hereafter created) including, without limitation, the Off-White Marks or any other marks or artwork that are confusingly or substantially similar to the Off-White Marks on or in connection with Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in the Infringing Products;
- 5) from using any false designation of origin or false description, or engaging in any action which is likely to cause confusion, cause mistake and/or to deceive members of the trade and/or the public as to the affiliation, connection or association of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendants with Off-White, and/or

as to the origin, sponsorship or approval of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendants and Defendants' commercial activities by Off-White;

- 6) from secreting, concealing, destroying, altering, selling off, transferring, or otherwise disposing of and/or dealing with: (i) Infringing Products and (ii) any computer files, data, business records, documents, or any other records or evidence relating to the Defendants' Online Accounts, Defendants' Assets and the manufacture, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Infringing Products;
- 7) from secreting, concealing, transferring, disposing of, withdrawing, encumbering or paying any of Defendants' Assets from or Defendants' Financial Accounts until further ordered by this Court;
- 8) from providing services to Defendants and Defendants' Online Accounts, including, without limitation, continued operation of Defendants' Online Accounts;
- 9) from effecting assignments or transfers, forming new entities or associations, or creating and/or utilizing any other platform, User Accounts or any other means of importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Infringing Products for the purpose of circumventing or otherwise avoiding the prohibitions set forth in any preliminary injunction ordered by the Court in this Action;
- 10) from knowingly instructing, aiding or abetting any other person or business entity in engaging in any of the activities referred to in subparagraphs II(A)(1) through II(A)(9) above.

B. IT IS FURTHER ORDERED that opposing papers, if any, shall be filed electronically with the Court and served on Off-White's counsel by delivering copies thereof to the office of Epstein Drangel LLP at 60 East 42nd Street, Suite 2520, New York, NY 10165, Attn: Jason M. Drangel on or before November 28, 2017. Off-White shall file any Reply papers on or before November 29, 2017.

C. IT IS FURTHER ORDERED that Defendants are hereby given notice that failure to appear at the show cause hearing scheduled in **Paragraph II(A)** above may result in the imposition of a preliminary injunction against them pursuant to FRCP 65, which may take effect immediately upon the expiration of this Order, and may extend throughout the length of the litigation under the same terms and conditions set forth in this Order.

III. Asset Restraining Order

A. IT IS FURTHER ORDERED pursuant to FRCP 64 and 65 and CPLR 6201 and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, as sufficient cause has been shown, that within five (5) days of receipt of notice of this Order, all Financial Institutions and Third Party Service Providers, including, but not limited to, those identified in **Schedule A** who receive actual notice of this Order, shall locate and attach Defendants Financial Accounts, and shall provide written confirmation of such attachment to Off-White's counsel; and

B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of notice of this Order all Financial Institutions and Third Party Service Providers, including but not limited to, those identified in **Schedule A** who receive actual notice of this Order, shall identify any and all of Defendants' Financial Accounts, and provide Off-White and/or Off-White's counsel with a summary report containing account details for any and all such accounts, which shall include, at a minimum, identifying information for Defendants

and Defendants' Online Accounts, contact information for Defendants (including mailing addresses and e-mail addresses), account numbers, and account balances for any and all of Defendants' Financial Accounts.

IV. Order Authorizing Alternative Service by Electronic Means

A. IT IS FURTHER ORDERED pursuant to FRCP 4(f)(3), as sufficient cause has been shown, that service may be made on, and shall be deemed effective as to Defendants if it is completed by one of the following means:

- 1) delivery of: (i) PDF copies of this Order together with the Summons and Complaint, and all papers filed in support of Off-White's Application seeking this Order or (ii) a link to a secure website where each Defendant will be able to download PDF copies of this Order together with the Summons and Complaint, and all papers filed in support of Off-White's Application seeking this Order to Defendants' e-mail addresses, as identified in **Schedule A** or may otherwise be determined; or
- 2) delivery of a message to Defendants through the same means that Off-White's agents have previously communicated with Defendants, namely the system for communications established by the Third Party Service Providers on their respective platforms, notifying Defendants that an action has been filed against them in this Court and providing a link to a secure website (such as Dropbox.com, NutStore.com or a large mail link created through RPost.com) where each Defendant will be able to download PDF copies of this Order together with the Summons and Complaint, and all papers filed in support of Off-White's Application seeking this Order.

B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that such alternative service by electronic means ordered herein shall be made within two (2) days of the Financial

Institutions' and Third Party Service Providers' compliance with **Paragraph III(A)** of this Order, but in any event, shall be made no later than ten (10) days from the date of this Order.

C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that the Clerk of the Court shall issue a single original summons in the name of “^__^WARM HOUSE^__^ STORE and all other Defendants identified in the Complaint” that will apply to all Defendants.

D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that service may be made and shall be deemed effective as to the following Financial Institutions and Third Party Service Providers if it is completed by the following means:

- 1) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PayPal will be able to download a PDF copy of this Order via electronic mail to EE Omaha Legal Specialist at EEOMALegalSpecialist@paypal.com.
- 2) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where Alipay will be able to download a PDF copy of this Order via electronic mail to Mr. Benjamin Bai, Vice President and Chief IP Counsel of Ant Financial Services Group at banjamin.bai@alipay.com and/or Mr. Di Zhang, Member of the Legal & Compliance Department – IP, at di.zd@alipay.com.
- 3) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where Alibaba will be able to download a PDF copy of this Order via electronic mail to Ms. Jacqueline Ko, Legal Counsel, Alibaba Group at jacqueline.ko@alibaba-inc.com.
- 4) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where DHgate (including DHPay.com) will be able to download a PDF copy of this Order via electronic mail to the counsel for DHgate at slucks@fishkinlucks.com.

V. Order Authorizing Expedited Discovery

A. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days after receiving notice of this Order, each Defendant, or other person served, shall serve upon Off-White or Off-White's counsel a written report under oath providing:
 - a. their true name and physical address;
 - b. the name and location and URL of any and all websites that Defendants own and/or operate and the name, location, account numbers and URL for any and all User Accounts on any Third Party Service Provider platform that Defendants own and/or operate;
 - c. the complete sales records for any and all sales of Infringing Products, including number of units sold, the price per unit, total gross revenues received (in U.S. dollars) and the dates thereof;
 - d. the account details for any and all of Defendants' Financial Accounts, including the account numbers and current account balances; and
 - e. the steps taken by each Defendant, or other person served to comply with **Section I**, above.
- 2) Off-White may propound interrogatories pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure as well as Local Civil Rule 33.3 of the Local Rules for the Southern and Eastern Districts of New York, and Defendants, their respective officers, employees, agents, servants and attorneys, and all persons in active concert or participation with any of them, who receive actual notice of this Order, shall provide written responses under oath to such interrogatories within fourteen (14) days of service to Off-White or Off-White's counsel.

3) Off-White may serve requests for the production of documents pursuant to FRCP 26 and 34, and Defendants, their respective officers, employees, agents, servants and attorneys, and all persons in active concert or participation with any of them, who receive actual notice of this Order, shall produce all documents responsive to such requests within fourteen (14) days of service to Off-White or Off-White's counsel.

B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

1) Within fourteen (14) days of receiving actual notice of this Order, all Financial Institutions who receive actual notice of this Order shall provide Off-White or Off-White's counsel all documents and records in their possession, custody or control (whether located in the U.S. or abroad) relating to any and all of Defendants' Financial Accounts, including, but not limited to, documents and records relating to:

- a. account numbers;
- b. current account balances;
- c. any and all identifying information for Defendants and Defendants' Online Accounts, including names, addresses and contact information;
- d. any and all account opening documents and records, including, but not limited to, account applications, signature cards, identification documents and if a business entity, any and all business documents provided for the opening of each and every of Defendants' Financial Accounts;
- e. any and all deposits and withdrawals during the previous year from each and every one of Defendants' Financial Accounts and any and all supporting documentation, including, but not limited to, deposit slips, withdrawal slips, cancelled checks and account statements; and

f. any and all wire transfers into each and every one of Defendants' Financial Accounts during the previous year, including, but not limited to, documents sufficient to show the identity of the destination of the transferred funds, the identity of the beneficiary's bank and the beneficiary's account number.

C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days of receiving actual notice of this Order, all Third Party Service Providers who receive actual notice of this Order shall provide to Off-White or Off-White's counsel all documents and records in their possession, custody or control (whether located in the U.S. or abroad) relating to any and all accounts held by or associated with Defendants, their respective officers, employees, agents, servants and attorneys, and all persons in active concert or participation with any of them ("User Accounts") and Defendants' Online Accounts, including, but not limited to, documents and records relating to:
 - a. any and all User Accounts and Defendants' Online Accounts and account details, including, without limitation, identifying information and account numbers for any and all User Accounts and Defendants' Online Accounts that Defendants have ever had and/or currently maintain with the respective Third Party Service Provider;
 - b. the identities, location and contact information, including any and all e-mail addresses, of Defendants, their respective officers, employees, agents, servants and attorneys, and all persons in active concert or participation with any of them;
 - c. the nature of Defendants' businesses and operations, methods of payment, methods for accepting payment and any and all financial information, including,

but not limited to, information associated with Defendants' User Accounts and Defendants' Online Accounts, a full accounting of Defendants' sales history and listing history under such accounts and Defendants' Financial Accounts with any and all Financial Institutions associated with Defendants' User Accounts and Defendants' Online Accounts; and

- d. Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or selling of Infringing Products, or any other products bearing the Off-White Marks and/or marks that are confusingly similar to, identical to, and constitute an infringement of the Off-White Marks.

VI. Security Bond

A. IT IS FURTHER ORDERED that Off-White shall place security in the amount of \$5000 Dollars (_____) with the Court which amount is determined adequate for the payment of any damages any person may be entitled to recover as a result of an improper or wrongful restraint ordered hereunder.

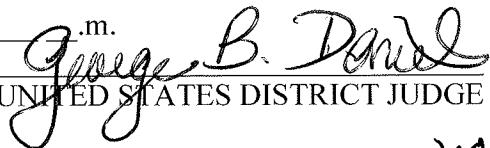


VII. Sealing Order

A. IT IS FURTHER ORDERED that Off-White's Complaint and exhibits attached thereto, and Off-White's *ex parte* Application and the Declarations of Jessica Arnaiz, Virgil Abloh and Mary Kate Brennan in support thereof and exhibits attached thereto and this Order shall remain sealed until further ordered by the Court.

SO ORDERED.

SIGNED this _____ day of _____, 2017, at _____ a.m.


GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE
293

No	Vendor Name	Online Marketplace	PayPal Info	Alipay Info	Other Payment Info	Email	Product Page	Seller Page
1	^ "Warm House" / Store	AliExpress				2850817707@qq.com	<a 20547535"="" href="https://www.aliexpress.com/item/1pair-Soft-Fashion-Soft-Hip-Hop-Socks-Autumn-Winter-New-Men-Women-White-Casual-Cotton-602-3-10152-1065_10151-10130-10068_10344-10342_5460107_5470017_5500011-10307_10137_10060_10155_10154_10056_10055_10054_10059_100031_10099_10338_10339_10103_1-0102_440_10052_10053_10057_10050_10142_10051_10324_5380020_10326_10084_10321_10083_1080_1-0082_10081_10178_10101_10111_10112_10113_10114_143_10312_10313_10314_10078_10079_5570017-1765393adcc0&ig_explid=6523fa25-9f5f-45fe-8e37-86d41c0ac-13&ig_explid=6523fa25-9f5f-45fe-8837-86d7b41cd9ac</td><td>https://www.aliexpress.com/store/20547535	
2	Apparel_jsg	Dhgate				e1374653083@163.com	https://www.dhgate.com/product/women-summer-casual-striped-t-shirt-fashion/402687225.html#s1-12-1b;sear1030117307	<a 617199"="" href="https://www.aliexpress.com/item/off-white-webbing-belt-4-colors-can-choose-yellow-pink-orange-royal-blue-very-hot-fashion/32798171334.html?spm=a2g0w.search0104.3.240.5k4f0kxw&abbtest=searchweb0_0%2Csearchweb0_10056_10055_10054_10053_10052_10051_10050_10059_100031_10099_1001001_10102_10137_10060_10155_10154_537001_10055_10056_10057_10058_10054_10053_10052_10051_10142_10107_1-0050_10051_10324_10325_10326_5390020_10084_10083_54490011_10080_10082_10081_10110_1-0111_5420020_10112_10113_10114_5380017_5450013_10312_10313_10314_10315_10316_10078_10079-10079_5570017-18%2Csearchweb/201603_1.18%2Cp05w-11c-4704-a99a-e95c9a8-183d&ig_explid=6523fa25-9f5f-45fe-8e37-86d41c0ac-13&ig_explid=6523fa25-9f5f-45fe-8837-86d7b41cd9ac</td><td>https://www.aliexpress.com/store/617199
3	Bajin Webbing Expert online Store	AliExpress				13510363313	https://www.aliexpress.com/item/13510363313.html?spm=a2g0w.7000.1995.1.1b1se55	https://www.aliexpress.com/item/13510363313.html?spm=a2g0w.7000.1995.1.1b1se55
4	banesup	Dhgate				978120440@qq.com	https://www.dhgate.com/product/europe-and-american-autumn-winter-off-white/399765360.html#s1-12-1b;sear109412563734	https://www.dhgate.com/store/20678487
5	Beriu	Dhgate				2850774013@qq.com	https://www.dhgate.com/product/wholesale-off-white-alphabet-twill-printing/394640820.html#s1-11-7b;sear11103591181	https://www.dhgate.com/store/2059157
6	bjzhdmv	Dhgate				guotian2008013@163.com	https://www.dhgate.com/product/off-white-spring-summer-2016-girl-loong/395966536.html#s1-16-1b;sear1133846528	https://www.dhgate.com/store/19808304
7	Blueberry123/k/a Yataser	Dhgate				2850774018@qq.com	https://www.dhgate.com/product/2017-men-fashions-style-for-black-and-white/401203058.html#s1-7-1b;sear1322857558	https://www.dhgate.com/store/20323524
8	Boost550	Dhgate				78578338@qq.com	https://www.dhgate.com/product/pharrell-williams-rndmx-off-white-running-shoes/40216771.html#s1-23-7b;sear1350799120	https://www.dhgate.com/store/19965382
9	Chen6	Dhgate				1052286417@qq.com	https://www.dhgate.com/product/2017-originals-rndmx-off-white-running-shoes/40216771.html#s1-23-7b;sear1350799120	https://www.dhgate.com/store/19965382
10	Circ001	Dhgate				285035526@qq.com	https://www.dhgate.com/product/new-hip-hop-pyrex-off-white-hoodies-religious/596155850.html#s1-9-1b;sear1322857558	https://www.dhgate.com/store/20323547
11	Qui Shi Co., Ltd. d/b/a coolman	Dhgate				shenmylu126@163.com	https://www.dhgate.com/product/unisex-off-white-canvas-belt/40222950.html#s1-5-7b;sear1094165319	https://www.dhgate.com/store/20647030
12	Suprem	Dhgate				12721082525@QQ.COM	https://www.dhgate.com/product/basketball-socks-off-white-men-039-s-cotton/402321926.html#s1-23-1b;sear13732284913	https://www.dhgate.com/store/20051522
13	defire	Dhgate				2083455285@qq.com	https://www.dhgate.com/product/off-white-men-039-s-distressed-ripped-blktr/402202913.html#s1-23-7b;sear1339399906	https://www.dhgate.com/store/20743075
14	Qingdao Black Pearl International Trade Company d/b/a Diana110923	Dhgate				diana110923@163.com	https://www.dhgate.com/product/12pair-soft-fashion-new-men-women-unisex/402993032.html#s1-26-1b;sear13732284913	https://www.dhgate.com/store/20137657
15	DKN Store	AliExpress				41745451@qq.com	https://www.aliexpress.com/item/Personality-Fashion-Harajuku-Style-Oblique-Stripes-Men-Women-boat-Socks-Unisex-street-Hip-Hop-style/2238092782@qq.com	https://www.aliexpress.com/item/2238092782@qq.com
16	Dongguan City Hotel Garment Co., Ltd.	Alibaba				jenny@jhomsa.com	https://www.aliexpress.com/product-detail/Hot-Selling-Supreme-Hoodie-And-Sweatshirts_60524719825.html?spm=a21403477.1.0010.1000013.1.17e1d30f3eN2K0&traffic_analysis_id=recommend-2088_1_82199_new&cmr=007.13339.82199.038p1id8f12.94c79a4073d&tp=1	https://www.aliexpress.com/item/2238092782@qq.com
17	Dongguan City Hui Lin Apparel Co., Ltd.	Alibaba				demachulin@163.com	https://www.aliexpress.com/item/2238092782@qq.com	https://www.aliexpress.com/item/2238092782@qq.com
18	Dongguan City Hui Lin Hongsha Garment Factory	Alibaba				2608337696@qq.com	https://www.aliexpress.com/item/6068599703.html?spm=a21403477.1.0010.1000013.1.17e1d30f3eN2K0&traffic_analysis_id=recommend-2088_1_82199_new&cmr=007.13339.82199.038p1id8f12.94c79a4073d&tp=1	https://www.aliexpress.com/item/6068599703.html?spm=a21403477.1.0010.1000013.1.17e1d30f3eN2K0&traffic_analysis_id=recommend-2088_1_82199_new&cmr=007.13339.82199.038p1id8f12.94c79a4073d&tp=1
19	Dongguan Kafany Clothing Co. Ltd.	Alibaba				katherina@vattsen.com	https://www.aliexpress.com/item/2238092782@qq.com	https://www.aliexpress.com/item/2238092782@qq.com

10 Dongguan Manxun Clothing Corporation Ltd	Alibaba	1398026771	Bank Information Beneficiary:Delun Tang manxu03@qgemanxun.co m	Bank Address: HUMEN SUB-BRANCH, 1715 THATA ROAD, HUMEN TOW N, DONGGUAN CITY, GUANGDONG PROVINCE, P.R.CHINA	ACCOUNT NO: 60138277004021006671 SWIFT/BKCHCNB444W TEL:0086-3580/02888 WesternUnionInformation FirstName:Dejun LastName:Tang Address:1Building#Yongqin Industrial Park,Xiul Village,Boyong Community, Hunan Town, Dongguan#523899 Guangdong Province,China IDNO.:413026197502013034	https://www.alibaba.com/product-detail/Off-white-Diagonal-Arrows-Hoodie-2017_6065601550.htm?spm=a2700.7724838.201715.31.3MCHiw
21 Dongguan Tomorrow Fashion Co., Limited	Alibaba	fashionwithus@gmail.com	tomorrow@welovetomorrow.com	larissa@welovetomorrow.com	tomorrow@welovetomorrow.com	https://www.alibaba.com/product-detail/Black-Asymmetric-Zip-100-Leather-Stripping_60613446778.htm?spm=a2700.7724838.201715.191.76a27df2209jlbwmyewu@xinyuapparel.com
22 Dongguan Xinyu Apparel Co., Ltd	Alibaba	1065316916@qq.com	60679637033.htm?spm=a2700.7724838.2017115.270.4c390953Bww1ws1b;sear1:103594.com	60679637033.htm?spm=a2700.7724838.2017115.270.4c390953Bww1ws1b;sear1:103594.com	https://www.alibaba.com/product-detail/White-and-black-color-baseball-caps_60679637033.htm?spm=a2700.7724838.2017115.270.4c390953Bww1ws1b;sear1:103594.com	
23 Dqdotthes	Dhgate	18605964780	1350408915@qq.com	1350408915@qq.com	https://www.dhgate.com/product/american-fashion-off-white-shorts-398178904.html#s1-12-1b;sear1:103594.com	
24 Mammoth a/k/a Eastpak	Dhgate	shawn_pan@163.com	shawn_pan@163.com	shawn_pan@163.com	https://www.dhgate.com/product/front-stripes-backpack-off-white-day-pack_403305995.htm?spm=4.302.1.11-pack	
25 ESUTIE HYUN 007 Store	AliExpress	645110775@qq.com	645110775@qq.com	645110775@qq.com	https://www.aliexpress.com/item/2016-NEW-Mens-Fashion-Elastic-Waist-Tight-Leggings-Shorts-Print-Fake-Two-Leggings-Sports-Jogging-Tight-compression_32718137306.html?spm=2114.10010108.1000014.38.66a652e0n3ZMc&traffic_analysistid=reco941e988e8ad7&pp=1	
26 Farty199510	Dhgate	1441087521@qq.com	479371650@qq.com	479371650@qq.com	https://www.dhgate.com/product/2017-newest-off-white-high-quality-hoodie_404621391.html	
27 fashioncasual	Dhgate	18613987371	1092303387@qq.com	1092303387@qq.com	https://www.dhgate.com/product/off-white-black-mens-hip-hop-hoodie-skate_403856537.html#s1-23-7b;sear1:1259727239	
28 Shop Shop2836075 Store f/k/a FLOEFA Official Store	AliExpress	18613987371	ab32990710@163.com	ab32990710@163.com	https://www.aliexpress.com/item/Flora-Embroidered-Rose-Men-Jean-Fashion-Holes-Denim-Pants-Homme-Hip-Hop-Low-Trousers-Jeans-for-Men_328074109.htm	
29 Guangzhoutradecompany d/b/a footballshirt	Dhgate	1090742530@qq.com	wujacky1289@163.com	wujacky1289@163.com	https://www.dhgate.com/product/drop-shipping-2017-men-039-s-off-white-10492734602.html	
30 fullscore	Dhgate	Dhgate	3512428042@qq.com	3512428042@qq.com	https://www.dhgate.com/product/off-white-yellow-letters-logo-belts-unisexy_400933837.htm#s1-11-7b;sear1:0941165329	
31 gangchen66	Dhgate	obsession5188@outlook.com	obsession5188@outlook.com	obsession5188@outlook.com	null:108-0022801795">https://www.dhgate.com/product/2017-new-off-white-etic-17ss-scottish-red_402849013.html?spm=2114.108.1614#ppc-16-5>null:108-0022801795	
32 goodluckok2018	Dhgate	Alibaba	bag@seabook.com.cn	bag@seabook.com.cn	https://seabook.en.alibaba.com/	
33 Guangzhou Seabook Gifts & Stationery Ltd	Dhgate	seabook@seabook.com.cn	Payoneer Account: 5300772730986500 , 785029909@qq.com	Payoneer Account: 5300772730986500 , 785029909@qq.com	https://www.dhgate.com/product/Off-white-backpack-rock-stripe-daypack-cool_404767176.htm#s1-12-1b;sear1:367718108	

55 Nanchang Guandu Clothing Co., Ltd.	Alibaba	BANK : BANK OF CHINA, JIANGXI SUB BRANCH BANK ADDRESS: NO.378 JIE FANG XI ROAD, NANCHANG CITY, JIANGXI PRO., CHINA BENEFICIARY NAME: Luo Laiben ACCOUNT : 6217 5865 0000 2 23 0931 SWIFT CODE: BJCHECNB550 BENEFICIARY ADDRESS: Qiaohu Xu Village, Luojiu Town, Nanchang City, JiangXi Pro.China ,	sales@ntgq-clothing.com https://www.alibaba.com/product-detail/2017-women-s-new-style-jacket-fs-with_60581831875.html?spm=a2700.7724838.201715.372.7e0bfifvMfs	https://nchaoying.en.alibaba.com/
56 Nanchang Hollywin Clothing Co., Ltd.	Alibaba	hy@holly-win.com	https://www.alibaba.com/product-detail/fashion-printed-stripes-black-and-white_6035654328.html?spm=a2700.7724838.201715.1.7e0bfifvMfs	https://kingshinesports.en.alibaba.com/
57 Nanchang Kingshine Garment Limited	Alibaba	sales@rckingshine.com	https://www.alibaba.com/product-detail/2017-NEW-Men-s-cotton-blend_60681070641.html?spm=a2700.7724838.201715.296.7s1sK	
		BE NEFICIARY: KINGSHINE INDUSTRIAL LIMITED RM D SUITE C1 6/F WING HING IND BUILD 14 HING YIP ST KWUN TONG, HONGKONG	sale@002@rckingshine.com simonding@rckingshine.com	
		Beneficiary Account Number: OSA82753293190205		
		Beneficiary Bank Name: BANK OF COMMUNICATIONS CO.,LTD		
		Beneficiary Bank Address: NO 158 YINCHENG ZHONG ROAD SHANGHAI 2001170 CHINA	nikuajiuve@gmail.com adafang1985@gmail.com	https://www.alibaba.com/product-detail/New-Arrival-Black-Embroidey-Letter-Contrast_60574921728.html?spm=a2700.7724388.201715.103.3c93b09513hED
58 Nanjing KuanYue Commercial Co., Ltd.	Alibaba	924315321@qq.com		
59 oldriver	Dhgate	https://www.dhgate.com/product/off-white-t-shirt-men-women-high-quality_4022790566.html?spm=7ecinfo-8.108.1#prod-7.51 null:#prod-1122576#440		https://www.dhgate.com/store/20625337
60 Paradise12	Dhgate	https://www.dhgate.com/product/wholesale-off-white-canvas-brushed-diagonals_402121932.html#ts-1.19-1bsear1/2064-2861-67		https://www.dhgate.com/store/2033082
61 RAID Store	AliExpress	https://www.aliexpress.com/item/GUERNO-Strapless-Yu-burst-section-shoulder-strap-chic-embroidery-canva-strap-for-bags-adjust-letter-colorful/_3280771023.html?spm=a2g0w.100.0.108.1000015.23.3f80957d8amlad4		https://www.aliexpress.com/store/1513937
62 sellwell10086	Dhgate	https://www.dhgate.com/product/2017-fashion-tide-band-off-white-striped_401621409.html#ts-5.20-1bsear1/0115069092		https://www.dhgate.com/store/20722146
63 Fashion Item And Party Item Wholesale	Dhgate	https://www.dhgate.com/product/off-white-belt-unisex-hip-hop-fashion-style_401161906.html#ts-1.4-1bsear1/094116519		https://www.dhgate.com/store/14770774
64 Shanghai You Hao Industrial Co., Ltd	Alibaba	wd2088@163.com	136213981152 136213981152	https://www.alibaba.com/product-detail/OFFF-WHITE-brand-jacquard-polyester-tape_60619165742.html?spm=a2700.7724838.201715.137.3c3b095AYTB03

